the actions he was in reality acting in the interest of the Collection Company which agreed to allow him half of the fees charged by it to its customers.

"The difficulty is," says Judge Clarke who delivered the opinion of the Supreme Court, Appellate Division, First Department, "that in the court proceedings which he instituted he did appear as attorney of record for the individuals who owned the claims, and as such attorney he prosecuted, not the claims of the agency, but of the individuals, and, as such attorney, he recovered and collected judgments, including costs. So far as the court proceedings were concerned, he was the attorney for the plaintiffs in the action which he instituted and prosecuted, and they were his clients. Whatever way we look at it, it is clear that there was a splitting of the fees between an attorney and the person or party not an attorney, and not competent to practice law, for legal services rendered to a third person, whose attorney of record he was, and with whom the relation of attorney and client legally existed."

Master and Servant—Supremacy of Compensation Act over Other Remedy.—According to the decision of the Washington Supreme Court, in Peet *v.* Mills, 136 Pacific Reporter, 685, the Workmen's Compensation Act of that state superseded all former statutes relative to the recovery by a servant for injuries occurring in the course of his employment, and no existing law gives the employee a right of action for such injuries against any person other than his employer.

The same question arose in Northern Pacific Railway Company *v.* Mary A. Meese and the same statute was construed. The case was instituted in the United States District Court of Washington, W. D. (20 Federal Reporter, 222). Benjamin Meese, while engaged in his duties as employee of a brewing concern, was killed through the alleged negligence of the railroad company. Demurrer to the complaint on the ground that the Workmen's Compensation Act gave a right of action against the master only was sustained. This judgment was reversed by the United States Circuit Court of Appeals, 211 Federal Reporter, 254.

The United States Supreme Court in 36 Supreme Court Reporter, 223, reverses the holding of the latter court, and upholds the ruling of the District Court, Justice McReynolds stating: "It is settled doctrine that federal courts must accept the construction of a state statute deliberately adopted by its highest court."

The opinion of the Washington Supreme Court in the Peet Case, supra, is quoted at length. An excerpt therefrom follows:

"By this appeal, we are again called upon to review the Workmen's Compensation Act of 1911 (Laws 1911, c. 74, p. 345, 3 Rem. & Bal.

Code, §§ 6604—1 et seq.), under appellant's contention that the act is applicable only where recovery is sought upon the ground of negligence of the employer. * * * The conclusion is evident that, in the enactment of this new law, the Legislature declared it to be the policy of this state that every hazardous industry within the purview of the act should bear the burden arising out of injuries to its employees; and that it was the further policy of the state to do away with the recognized evils attaching to the remedies under existing forms of law and to substitute a new remedy that should be ample, full, and complete, reaching every injury sustained by any workman while employed in any such industry, regardless of the cause of the injury or the negligence to which it might be attributed. * * * To say with appellant that the intent of the act is limited to the abolishment of negligence as a ground of action against an employer only is to overlook and read out of the act and its declaration of principles the economic thought sought to be crystallized into law—that the industry itself was the primal cause of the injury, and, as such, should be made to bear its burdens."

Witnesses—Competency—In Federal Courts—Conviction of Felony.—In Maxey *v.* United States, in the U. S. Circuit Court of Appeals, Eighth Circuit (297 Fed. 327), it was held that a person who had been convicted of felony and sentenced to a penitentiary was incompetent as a witness in a criminal trial in a United States court sitting in the Eastern District of Arkansas. It is indicated by the record that the conviction and sentence of the witness had been by a Federal court, indeed by the same court in which the judgment of conviction in the case at bar appealed from had been obtained. It was shown to be the settled rule that the competency of witnesses to testify in criminal cases in courts of the United States is determined by the law of the state where the trial is had, as it existed when the Judiciary Act of 1789 was passed, or as to states whose territories were not then within the boundaries of the Union, by the law of the state when it was admitted (Logan *v.* United States, 144 U. S. 263), except in so far as Congress has differently provided. The court cites illustrations of congressional inertia as to reforms of procedure that have long been adopted by state legislatures. For example, attention is called to the fact that it was not until 1878 that persons charged with crime in a court of the United States, were made competent witnesses in their own behalf, and not until 1913 that it was enacted that a piece of admitted or proved handwriting of a person might be introduced in evidence as a basis for comparison by witnesses with a handwriting of disputed genuineness.

Section 858 of the Revised Statutes of the United States provided that "in all other respects the laws of the state in which the court